

Remarks

The Office communication mailed March 24, 2003 has been received and reviewed. The communication included a restriction requirement and associated species elections.

In response to the restriction requirement, applicants elect the invention of Group II (claims 19-26, 31, and 33-36) without traverse. For the record, however, applicants disagree with the Office's premature contention that "Group II . . . is anticipated or obvious over . . . WO 98/37901" and associated comments. Applicants will cancel the non-elected claims upon an indication of allowability of the elected claims.

With respect to the first election of invention / species election, applicants elect apoptin as the "apoptosis inducing agent" without traverse. As specifically acknowledged by the Office, claims 19-26, 31, and 33-36 are generic with respect to the apoptosis inducing agent exhibiting its effect in aberrant cells involved with or related to immune diseases.

With respect to the second species election, applicants elect a viral vector as the "particular targeting means" again without traverse. Claims 19-25, 31, and 33-35 are believed to be generic with respect to the particular targeting means, while claims 26 and 36 specifically read on a recombinant adenoviral targeting means.

If questions should exist after consideration of the foregoing, the Office is kindly requested to contact applicants' undersigned attorney.

Respectfully submitted,



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VERSION SHOWING CHANGES MADE

19. (Amended) A method of treating [of] an inflammatory disorder in a subject, said method comprising:

administering, to the subject, a gene delivery vehicle for use in the subject, said gene delivery vehicle comprising:

a gene capable of expressing an apoptosis inducing agent exhibiting its effect in aberrant cells involved with or related to immune diseases.

26. (Amended) The method according to claim 19, wherein [aid] said gene delivery vehicle comprises a recombinant adenovirus.

36. (Amended) The method according to claim 21, wherein [aid] said gene delivery vehicle comprises a recombinant adenovirus.